REMARKS

INTRODUCTION

In accordance with the foregoing, claims 18, 19, 20, 26, 33, 34 and 35 have been amended. No new matter had been submitted.

Claims 18-22 and 24-35 are pending and under consideration.

REJECTION UNDER 35 USC 103

Claims 18, 25-29, 31 and 33-34 stand rejected under 35 USC 103(a) as being obvious over Jolma et al., U.S. Patent No. 5,806,003, in view of Gardner et al., U.S. Patent No. 5,729,557, claim 21 stands rejected under 35 USC 103(a) as being obvious over Jolma et al. and Gardner et al., in view of Gilhousen et al., U.S. Patent No. 5,485,486, claims 19-20, 22, 24, 32 and 35 stand rejected under 35 USC 103(a) as being obvious over Jolma et al. and Gardner et al., in view of Hayashi et al., U.S. Patent No. 6,069,884, and claim 30 stands rejected under 35 USC 103(a) as being obvious over Jolma et al. and Gardner et al., in further view of Bender et al., U.S. Patent No. 6,366,779. These rejections are respectfully traversed.

As recited on page 6 of the outstanding Office Action, the modified Jolma et al. at least fail to disclose "information of different connections are spread with individual codes."

That being the case, and as the independent claims have been amended require that "codes [be] used to separate information of different connections between the base station and mobile stations," which is related to the aforementioned feature of claim 20: "wherein the information of different connections are spread with the individual codes," and which was rejected under an additional combination of Hayashi et al., U.S. Patent No. 6,069,884, it is respectfully submitted that the outstanding rejection based only on a combination of Jolma et al. and Gardner et al. is now moot, as it is presumed that any new rejection of the independent claims would similarly be based on a combination of Jolma et al., Gardner et al., and Hayashi et al.

Therefore, traversal of the rejections of the independent claims will be addressed below with regards to the combination of Jolma et al., Gardner et al., and Hayashi et al.

The Office Action sets forth that it would have been obvious to combine a disclosure of information of different connections being spread with individual codes, in Hayashi et al. See the first paragraph on page 6 of the outstanding Office Action.

However, the Office Action fails to present any rationale for this rejection. The Office Action merely states that the Examiner concluded that it would have been obvious to modify a feature from Hayashi et al. into a combination of Jolma et al. and Gardner et al., in rejecting claim 19, and would appear to now base the rejection of claim 20 on an additional disclosure in Hayashi et al. However, a modification rationale for modifying a particular feature into the combination of Jolma et al. and Gardner et al. does not automatically bring along the entire disclosure of Hayashi et al. Each additional feature in Hayashi et al., relied upon for rejecting other claims, must also be presented along with the required motivation. Here, in the rejection of claim 20, the Office Action merely cites a portion of Hayashi et al. and presumably believes that same would have been obvious to be modified into the previously modified Jolma et al. (i.e., Jolma et al., a particular feature(s) from Gardner et al., and a particular feature(s) from Hayashi et al.)

Thus, the Office Action has failed to provide motivation of further modifying Jolma et al. to include a feature of information of different connections being spread with individual codes, as recited in the Office Action.

Regardless, the following additional comments are presented identifying why it would not have been obvious to incorporate the Office Action purported feature, from Hayashi et al., into the modified Jolma et al.

Essentially, to Office Action purported feature of information of different connections being spread with individual codes relates to CDMA architecture, while the modified Jolma et al. is of a GSM architecture.

Specifically, Jolma et al. pertains to a GSM system, while Hayashi et al. pertains to a CDMA system, whereby the base station possesses a plurality of transmit antennas. Hayashi et al. deals with the sending of signals via the plurality of antennas and receiving and handling the signals at the mobile.

However, it is generally known that GSM systems, in principle, do not use a plurality of transmit antennas. Thus, one skilled in the art of GSM systems (after reviewing the disclosure of Jolma et al.) would not look to the disclosure of Hayashi et al. See FIG. 1 of Jolma et al. compared to FIG. 1 of Hayashi et al., where this clear differences are illustrated.

In addition, the emphasis in Jolma et al. is on a signal being sent from a mobile to the base station, namely on the Channel Request Message of the mobile (and thereafter on a

message from the mobile to the base station about the power level used by the mobile for transmitting the channel request, see claim 1 in Jolma et al.)

In contrast, Hayashi et al. is directed toward signals being sent from the base station to the mobile. Essentially, Jolma et al. is directed toward the "uplink" while Hayashi et al. is directed toward the "downlink." As detailed in the MPEP, where one reference is directed in one direction, and a suggested modification of the same would change the direction of the primary reference, the motivation to still make such a combination is quite lessened. Similarly, here with Jolma et al. being directed to the uplink, and all the associated problems thereof, it would not have been obvious to radically change Jolma et al., as suggested in the Office Action.

Further, in another point against the Office Action suggested modification of Jolma et al., Jolma et al. details the process of a call establishment, while Hayashi et al. pertains to signals in the course of a communication between a mobile and a base station.

However, it is well known that the first phase of a communication, which includes the establishment of the connection, has to follow particular rules and is subject to restrictions strictly different from the rest of the communication. In principle, procedures used in the course of a communication cannot be applied to the first phase of the establishment of the connection. Therefore, one skilled in the art, and familiar with call establishments, would not have looked to Hayashi et al., as suggested in the Office Action, to modify the Jolma et al. call establishment method.

Thus, at least in view of the above points, it is respectfully submitted that it would not have been obvious to modify Jolma et al., as suggested in the Office Action, to include the claimed codes being used to separate information of different connections between the base station and mobile stations, as recited in the independent claims.

In addition, as applicant had provided several reasons pointing away from the suggested modification, applicant respectfully requests that any additional rejections based on the same rejection rationale address each above point and more fully develop the motivation for one skilled in the art to make the modification suggested in the Office Action.

Therefore, for at least the above, it is respectfully requested that the rejection of the independent claims be withdrawn and the independent claims be allowed. In addition, it is respectfully submitted that the dependent claims are also in allowable condition, for least their dependence from the allowable independent claims.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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